IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 14021 of 2002

Between:

Sri Ramanjenya Paraboiled Rice & Oil Mill
rep.by its Managing Director Patchava Vangaiah
Bommakal, Karimnagar Dist.

..... PETITIONER

AND

1. A.P.Pollution Control Board,

   2nd Floor, HUDA Complex Maitrivanam,
   SR Nagar, Hyderabad. Rep. by its Member Secretary,
2. The Joint Chief Environmental Engineer, Zonal Office,
   AP Pollution Control Board, Hyderabad.
3. The Superintending Engineer (Operations), AP Transco, Karimnagar,
   Karimnagar Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or direction more particularly one in the natuare of Writ of Mandamus declaring the orders dated 25/07/2002 passed in Appeal No.8 of 2002 by the Appellate Authority under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act., 1981 AP Hyderabad confirming the closure orders No.121/PCB/TF-HYD/2002-177, dated 23/05/2002 passed by the 2nd respondent Joint Chief Environmental Engineer, AP Pollution

Control Board, Zonal Office, Hyderabad as contrary to law, arbitrary and against the principles of natural justice and contrary to the material on record, and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner : Mr. N. Narasimha Reddy (Not present)

Counsel for the Respondent Nos. 1 and 2: MR.S.V.BHATT

Counsel for the Respondent No.3: None appeared

The Court made the following :

Oral Order: (Per Sri Devinder Gupta, CJ)

None for the petitioner. Challenge in this case by the petitioner is to the order passed on 25.7.2002 by the appellate authority under Water (Prevention and Control of Pollution) Act, 1981 (for short 'the Act) thereby confirming the closure order of Respondent-Board dated 23.5.2002.

As a matter of fact, the appellate authority while dismissing the appeal gave benefit to the petitioner-industry on condition of the petitioner complying with all the objections raised in the impugned order and approaching the Board to run the industry, the Board shall examine the matter in accordance with the Act and the Rules framed thereunder and permit the industry to carry on its operations and the order of dismissal of petitioner's appeal shall not stand in the way of the Board taking its decision.

Counter affidavit was filed in this case after filing of writ petition saying that despite the appellate order and order of closure, A.P. Transco did not disconnect power supply to the petitioner's unit and there has been no improvement in emission of pollutants. It was further stated that the industry has not provided porthole to monitor the emissions from the stack and is not having any valid consent, which is mandatory under Sections 24 and 25 of the Act. Further, the industry has also not constructed any closed shed to store husk and fly ash.

In view of the counter affidavit, there cannot be any interference in this writ petition

with the order impugned and we will proceed to dismiss the writ petition leaving it open for the respondent Board to take appropriate action against the petitioner-industry in case it is still violating any of the provisions of the relevant Acts.

The writ petition is accordingly dismissed. No costs.

DEVINDER GUPTA,CJ

Date: 7th July,2004

G. ROHINI,J

Pnb

To:

1. The Member Secretary,

A.P.Pollution Control Board
2nd Floor, HUDA Complex Maitrivanam,
SR Nagar, Hyderabad.

2 The Joint Chief Environmental Engineer, Zonal Office,
AP Pollution Control Board, Hyderabad.

3 The Superintending Engineer (Operations)
AP Transco, Karimnagar,
Karimnagar Dist.

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